

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

METRO WEST AMBULANCE SERVICE, INC.	)	
	)	
Petitioner/Cross-Respondent	)	
	)	Nos. 14-1106
v.	)	14-1137
	)	
NATIONAL LABOR RELATIONS BOARD	)	
	)	
Respondent/Cross-Petitioner	)	

**JOINT AND UNOPPOSED MOTION TO VOLUNTARILY DISMISS,  
WITH PREJUDICE, THE PETITION FOR REVIEW  
AND TO DISMISS, WITHOUT PREJUDICE,  
THE CROSS-APPLICATION FOR ENFORCEMENT**

To the Honorable Judges of the United States Court of Appeals for the  
District of Columbia Circuit:

Pursuant to Federal Rule of Appellate Procedure 42(b), Metro West Ambulance Service, Inc. (“Metro West”), by its counsel, and the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully move the Court for leave to voluntarily dismiss, with prejudice, Metro West’s petition for review and to dismiss, without prejudice, the Board’s cross-application for enforcement in the above-captioned cases, and show:

1. Metro West filed with the Court a petition to review the Board’s decision and order in *Metro West Ambulance Service, Inc.*, reported at 360 NLRB

No. 124 (2014). The Board cross-applied for enforcement of its order, and the Court consolidated the appeals.

2. Metro West and the Board have since sought to resolve these consolidated cases without further litigation or the costs associated with such litigation. The parties have reached such an agreement.

3. The parties, therefore, request that this Court dismiss, with prejudice, Metro West's petition for review. The parties also ask that the Court dismiss the Board's cross-application without prejudice to the Board's right to file a future application for enforcement, if necessary, to enforce the "continuing obligation" imposed on Metro West by the Board's Order. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (Because "[a] Board order imposes a continuing obligation" and because "the Board is entitled to have [any] resumption of the unfair practice barred by an enforcement decree," an employer's compliance does not deprive the Board of the right to secure enforcement of the order from an appropriate court.). *Accord NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970). Further, the parties in their settlement agreement agreed to dismissal of the Board's cross-application without prejudice.

4. Each side is to bear its own costs.

5. Mitchell J. Cogen, counsel for Metro West, has given the Board permission to sign this motion on his behalf.

WHEREFORE, the parties respectfully request that their joint and unopposed motion be granted, and that the petition for review be dismissed with prejudice and the cross-application for enforcement be dismissed without prejudice.

Respectfully submitted,

For the Board:

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street SE  
Washington, D.C. 20570  
(202) 273-2960

Dated: December 2, 2015

For Metro West:

/s/ Mitchell J. Cogen  
Bullard Law  
200 SW Market Street, Suite 1900  
Portland, OR 97201  
(534) 248-1134

Dated: December 2, 2015

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2015, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the parties and their counsel, who are registered CM/ECF users:

s/Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street SE  
Washington, D.C. 20570

Dated at Washington, D.C.  
This 2<sup>nd</sup> day of December 2015